

## **Frequently Asked Questions regarding COVID-19 and Workers' Compensation Benefits**

The IWCC has received several questions about the impact of COVID – 19 on workers' compensation claims. The following Frequently Asked Questions are meant to generally address these concerns but should not be construed as legal advice. If you believe you have a workers' compensation claim, you may wish to seek legal advice.

### **Can an employee collect workers' compensation benefits if they contract COVID-19 in the workplace?**

An individual may be eligible for workers' compensation benefits in Illinois if they miss three-or-more workdays as a result of an injury or disease arising out of and in the course of their employment or which has become aggravated and rendered disabling as a result of the exposure of the employment. Even after an individual returns to work, they may still be eligible for benefits covering the period of time they missed, but statutes of limitations do apply and time is of the essence in all workers' compensation cases.

### **How can I prove that I contracted an occupational disease while working?**

According to the Act, “a disease shall be deemed to arise out of the employment if there is apparent to the rational mind, upon consideration of all the circumstances, a causal connection between the conditions under which the work is performed and the occupational disease. (820 ILCS 310/1 (d))

### **What if I was also at risk outside my workplace?**

According to the Act, “the disease need not to have been foreseen or expected but after its contraction it must appear to have had its origin or aggravation in a risk connected with the employment and to have flowed from that source as a rational consequence.” (820 ILCS 310/1(d))

### **Does the Occupational Diseases Act include COVID-19?**

On June 5, 2020, Illinois Governor Pritzker signed into law [Public Act 101-0633](#) creating a rebuttable presumption for first responders and front-line workers who are exposed to and contract COVID-19 in the course of their employment. Specifically, it states that “the injury or occupational disease shall be rebuttably presumed to be causally connected to the hazards or exposures of the employee's first responder or front-line worker employment.” (820 ILCS 310/1 (g) 1)

### **Can my employer challenge this presumption?**

Your employer may be able to rebut this presumption by presenting certain types of evidence as outlined in the Act.

### **Does the date of COVID- 19 diagnosis matter?**

According to the Act, the rebuttable presumption applies to all cases in which a diagnosis of COVID-19 was made on or after March 9, 2020 and on or before December 31, 2020. (820 ILCS 310/1 (g) 4)

### **I got sick before testing was widely available, how do I prove I had COVID-19?**

To benefit from the presumption under Public-Act 101-0633, you must provide evidence of a positive diagnosis of COVID-19. If you were diagnosed with COVID-19 prior to June 15, 2020, you must provide a confirmed medical diagnosis from a licensed medical practitioner or a positive laboratory test for COVID-19 (or antibodies). If you were diagnosed with COVID-19 after June 15, 2020, you must provide a positive laboratory test for COVID-19 (or antibodies). (820 ILCS 310/1(g)6)

### **Am I considered a COVID-19 first responder or front-line worker?**

According to the Occupational Disease Act, The term "COVID-19 first responder or front-line worker" means: all individuals employed as police, fire personnel, emergency medical technicians, or paramedics; all individuals employed and considered as first responders; all workers for health care providers, including nursing homes and rehabilitation facilities and home care workers; corrections officers; and any individuals employed by essential businesses and operations as defined in [Executive Order 2020-10](#) dated March 20, 2020, as long as individuals employed by essential businesses and operations are required by their employment to encounter members of the general public or to work in employment locations of more than 15 employees. For purposes of this subsection only, an employee's home or place of residence is not a place of employment, except for home care workers.

### **How do I file a claim with the IWCC?**

Additional frequently asked questions about workers' compensation benefits, including how to file a claim with the Illinois Workers' Compensation Commission, are available on [the IWCC website](#).